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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/410,332	10/01/1999	EDWARD B. KNUDSON	UV-111	6723

7590

12/19/2002

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EXAMINER

LONSBERRY, HUNTER B

ART UNIT

PAPER NUMBER

2611

DATE MAILED: 12/19/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/410,332

Applicant(s)

KNUDSON ET AL.

Examiner

Hunter B. Lonsberry

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-61 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-61 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 October 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: ____

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DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 7, 12-14, 16, 17, 19-26, 28, 33-35, 37, 38, 40-47, 49, 54-57, and 59-61, are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,583,560 to Florin.

Regarding claims 1, 22, and 43, Florin discloses in Figures 1-3 and 22-32, an electronic program guide system, program guide information is transmitted by a cable provider to a set top box from a cable provider 50 (column 10, lines 33-column 11, line 14), programs may be organized into categories and sub categories, and a user may navigate through the displayed category/subcategory combinations and display a list of programs which meet the category criteria (column 17, line 63-column 20, line 16).

Regarding claims 2, 23, and 44, Florin discloses in Figures 3 and 22-32, an electronic program guide system that organizes programming by subcategory/subcategory, Figure 3b discloses that the category information is transmitted from the headend.

Regarding claims 3, 24, and 45 Florin discloses in Figures 3 and 22-32, an electronic program guide system which organizes programming by hierarchical

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subcategory/subcategory listings, a user may navigate a general category prior to the sub categories (column 10, lines 33-column 11, line 14).

Regarding claims 4, 25, and 46, Florin discloses in Figures 27-31, displaying only the matching program listings.

Regarding claims 5, 26, and 47, Florin shows in Figure 30, a number of programs which displays matched favorites and marked programs along with non matching listings (column 19, lines 13-34).

Regarding claims 7, 28, and 48, Florin shows in Figure 30, a number of programs which displays matched favorites and marked programs along with non matching listings (column 19, lines 13-34).

Regarding claims 12, 33, and 54, Florin discloses in Figure 31, a frequently view category listing which prioritizes listed content based upon how often a user watches a program (column 19, lines 25-47).

Regarding claims 13, 14, 34, 35, 55 and 56, Florin discloses in Figures 30-32 a number of favorite categories which may be personalized (column 19, line 4—65).

Regarding claims 16 and 37, Florin discloses in Figure 1, that the user equipment is user TV equipment.

Regarding claims 17, 38, and 57, Florin discloses in Figures 3a/b that EPG information is provided by a cable provider (column 10, lines 33-66).

Regarding claims 19, 40, and 59, Florin discloses in Figure 28, Sports category 315.

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Regarding claims 20-21, 41-42, and 60-61, Florin discloses in Figure 29, a sub category sports: baseball, which has a number of program listings.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6, 8-10, 15, 18, 27, 29-31, 36 39, 48, 50-52, and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,583,560 to Florin.

Regarding claims 6, 27, and 48, Florin shows in Figure 30, a number of programs which displays matched favorites and marked programs along with non matching listings (column 19, lines 13-34). Florin does not disclose the use of a distinctive color for matched programming, but instead uses a check mark (Figure 30). The examiner takes official notice that the use of a colour to indicate a matched listing is well known in the art (for example, <http://www.Google.com>'s color coding scheme for matching search terms). Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Florin to use a distinctive color to indicate a matched program listing, thereby allowing a user to readily find programming that matches their interests.

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Regarding claims 8-11, 29-32, and 50-53, Florin shows in Figure 30, a number of programs which displays matched favorites and marked programs along with non-matching listings (column 19, lines 13-34). Florin does not disclose a user rearranging the order of items on a list and deleting a programming category and redisplaying the list. The examiner takes official notice that reorganizing categories and listings of bookmarked webpages by deleting and changing the order of each entry is well known in the art. Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Florin to allow a user to delete and reorder program categories and listings, thereby enabling a user to personalize the program guide and only display content that they are interested in.

Regarding claims 15 and 36, Florin discloses that the receiver may be a set-top-box with CPU 63, memory 65 and cd-rom 70 (column 9, line 59-column 10, line 20). Florin does not disclose that the user equipment is a personal computer. The examiner takes official notice that viewing customized EPG information on a personal computer with a tuner card is well known in the art. Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Florin to utilize a personal computer with a tuner card to view EPG information, thereby allowing a subscriber without a television to easily navigate programming choices.

Regarding claims 18, 39, and 58, Florin discloses in Figures 3a/b that EPG information is provided by a cable provider (column 10, lines 33-66). Florin does not disclose transmitting EPG data via the Internet. The examiner takes

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official notice that transmitting program listings over the Internet is well known in the art (for example, www.tvguide.com). Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Florin to transmit program listings over the internet, thereby enabling users with a TV tuner card to easily navigate programming choices.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 6,177,931-B1 to Alexander: Systems and Methods for Displaying and Recording Control Interface with Television Programs, Video, Advertising Information and Program Scheduling Information.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hunter B. Lonsberry whose telephone number is 703-305-3234. The examiner can normally be reached on Monday-Friday normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-5359 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.

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HBL

December 16, 2002



ANDREW FAILE
SUPERVISORY PATENT EXAMINER
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